

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA

v.

ERIC JASON WRIGHT

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Case No. 2:11-CR-2-1- JRG-RSP

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

On March 20, 2014, the undersigned held a final hearing on the Government's petition (#80) to revoke supervised release. The Government was represented by Assistant United States Attorney Mary Ann Cozby. The Defendant, Eric Jason Wright, was represented by Wayne Dickey.

Eric Jason Wright was sentenced on July 17, 2012, before The Honorable Rodney Gilstrap of the Eastern District of Texas after pleading guilty to the offense of Felon in Possession of a Firearm, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 17 and a criminal history category of IV, was 37 to 46 months. Eric Jason Wright received a downward departure based on the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1). Eric Jason Wright was subsequently sentenced to 12 months and 1 day imprisonment followed by a two (2) year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure and drug aftercare. On May 28, 2013, Eric Jason Wright completed his period of imprisonment and began service of the supervision term.

On January 7, 2014, the conditions of supervised release were modified adding special

conditions to include placement in a residential reentry center for 180 days.

On March 4, 2014, this petition to revoke was filed. In its petition, the Government alleges the Defendant violated the following conditions:

1) Standard: The Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Specifically, the Government alleges as follows: Eric Jason Wright admitted to using alcohol in excess on September 28, 2013. Mr. Wright signed an admission form. On February 19, 2014, Mr. Wright submitted a urine specimen which tested positive for marijuana and cocaine. Lab results confirmed the positive test.

The Court scheduled a revocation hearing for March 20, 2014. At the hearing on the Government's petition, and after consenting to the undersigned taking the plea, the Defendant pled true to the allegations as set forth above. Based on the Defendant's plea of true to the allegations, and with no objection by the Defendant or the Government, the undersigned found that the Defendant did violate conditions of his supervised release, as alleged in the U.S. Probation Office's petition.

The undersigned thereafter recommended that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for twelve months and 1 day, with no additional supervised release to follow such term of imprisonment. The Court recommended service of sentence at FCI Fort Worth. Based on the foregoing, it is

RECOMMENDED that the Defendant's plea of true to the allegations, as set forth in the Government's petition, be **ACCEPTED**. Based upon the Defendant's plea of true to the

allegations, it is further recommended that the Court find that the Defendant violated the conditions of his supervised release. It is further

RECOMMENDED that the Defendant's supervised release be **REVOKED**. It is further **RECOMMENDED** that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve months and 1 day, with no additional supervised release to follow such term of imprisonment. The Court recommends service of sentence at FCI Fort Worth.

At the close of the March 20, 2014 revocation hearing, Defendant, defense counsel, and counsel for the Government each signed a standard form waiving their right to object to the proposed findings and recommendations contained in this report, consenting to revocation of supervised release as recommended herein and to the imposition of the above sentence. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the findings and recommendation immediately.

SIGNED this 27th day of March, 2014.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE